

BILL NO. G-78-06- 33

GENERAL ORDINANCE NO. G- 07-79

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
a certain street.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. Petition for the vacation of a certain street having
been filed with the Fort Wayne City Plan Commission in accordance with
Section 44, Chapter 174, of the Acts of the General Assembly of the State
of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of
the General Assembly of the State of Indiana (I.C. 18-7-5-46), the
Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by
the Common Council of the City of Fort Wayne on November 26, 1963, is
amended by deleting the following street, to wit:

"That portion of Glenn Avenue extending from the East
right-of-way of Eleanor Avenue East to the West right-
of-way to the North-South alley (approximately 145 feet).

SECTION 2. After passage of this Ordinance, approval by the
Mayor and legal publication, a duly certified copy of this Ordinance, of
the recommendation of the Fort Wayne City Plan Commission, and of the
action of the Mayor, shall be transmitted by the City Clerk to the Board
of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect
from and after its passage, approval by the Mayor and legal publication
thereof.


Councilman

APPROVED AS TO FORM
AND LEGALITY,


CITY ATTORNEY

Read the first time in full and on motion by V. Schmidt, seconded by Hunter, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.,

DATE: 6-27-78

Charles W. Titus
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, placed on its passage.

PASSED (~~POST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
TOTAL VOTES	<u>8</u>	<u>0</u>	_____	<u>1</u>	_____
BURNS	<u>✓</u>	_____	_____	_____	_____
HINGA	<u>✓</u>	_____	_____	_____	_____
HUNTER	<u>✓</u>	_____	_____	_____	_____
MOSES	_____	_____	_____	<u>✓</u>	_____
NUCKOLS	<u>✓</u>	_____	_____	_____	_____
SCHMIDT, D.	<u>✓</u>	_____	_____	_____	_____
SCHMIDT, V.	<u>✓</u>	_____	_____	_____	_____
STIER	<u>✓</u>	_____	_____	_____	_____
TALARICO	<u>✓</u>	_____	_____	_____	_____

DATE: 3-27-79

Charles W. Titus
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~) ORDINANCE (RESOLUTION) No. 5-07-79 on the 27th day of March, 1979.
ATTEST: (SEAL)

Charles W. Titus
CITY CLERK

James Stier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of March, 1979, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Titus
CITY CLERK

Approved and signed by me this 29th day of March, 1979, at the hour of 3 o'clock _____ M., E.S.T.

Robert E. Armstrong
MAYOR

G-78-06-33

Bill No. _____

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending General Ordinance No. G-97 by authorizing the vacation
of a certain street

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

JOHN NUCKOLS - CHAIRMAN

SAMUEL J. TALARICO - VICE CHAIRMAN

VIVIAN G. SCHMIDT

JAMES S. STIER

WILLIAM T. HINGA

John Nuckols
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier
William T. Hinga

DATE

3-27-79
Clerk of the Council

67-76-7 3/21

WHEREAS, ROBERT O. BLUM, RAYMOND BAUMGARTNER, JEAN BAUMGARTNER, MARY MARTIN, RALPH LAUTZENHEISER, JOSEPH D. CRAMER, WILLIAM YOUNG, NINA M. YOUNG AND SCHROCK CONSTRUCTION INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of a public street situated in Fort Wayne, Allen County, to-wit:

That portion of Glenn Avenue extending from the East right-of-way of Eleanor Avenue East to the West right-of-way of the North-South alley (approximately 145 feet)

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a portion of a street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said portion of a public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said portion of a public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of a public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Henry P. Wehrenberg, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at a meeting held on March 12, 1979 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 12th DAY OF March, 1979
FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg
Henry P. Wehrenberg, Chairman

Ethel H. LaMar
Ethel H. LaMar, Member

Max G. Scott
Max G. Scott, Member

RESOLUTION

WHEREAS, ROBERT O. BLUM, RAYMOND BAUMGARTNER, JEAN BAUMGARTNER, MARY MARTIN, RALPH LAUTZENHEISER, JOSEPH D. CRAMER, WILLIAM YOUNG, NINA M. YOUNG and SCHROCK CONSTRUCTION, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of a public street situated in Fort Wayne, Allen County, to-wit:

That portion of Glenn Avenue extending from
the East right-of-way of Eleanor Avenue East
to the West right-of-way of the North-South
alley (approximately 145 feet)

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, said notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on July 17, 1978 at 7:30 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said portion of a public street.

WHEREAS, said vacation of the portion of public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of a public street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of a public street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of a portion of a public street in Allen County, Indiana.

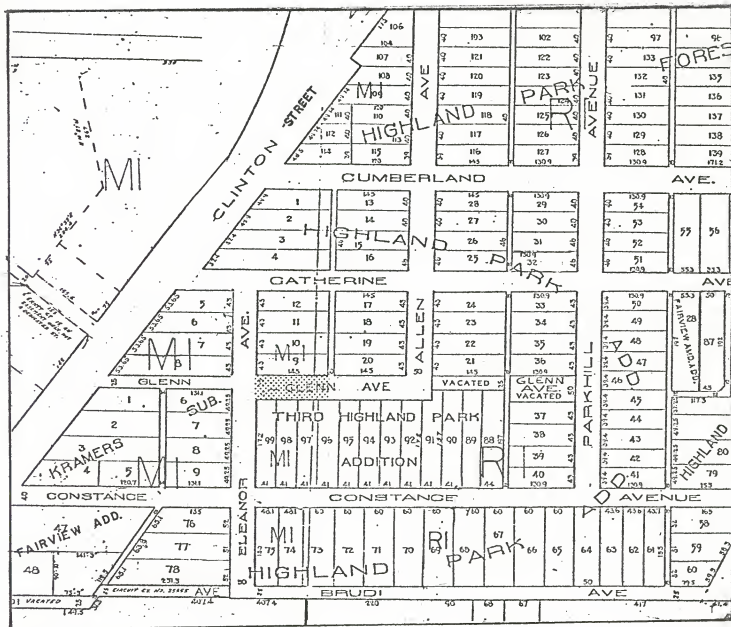
STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Thomas Adams, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held July 24, 1978, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 26th DAY OF February 1978

FORT WAYNE CITY PLAN COMMISSION

Thomas Adams
Thomas Adams, Secretary



VACATE STREET

MAP NO. N-22

G-78-06-33

N

RECEIPTDate 5-6 1978No. **10147**Received From W. B. Jones, Jr.Address 1111 1st St.City Albany, Georgia Dollars \$ 50.00For Albany, Georgia

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID			CHECK	<input checked="" type="checkbox"/>	
BALANCE DUE			MONEY ORDER		

By T. B. Jones

PETITION TO VACATE (That portion of Glenn Avenue, Extending from the East Right-of-Way of Eleanor Avenue, East to the West Right-of-Way of the North-South Alley. (Approx. 145')

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The Undersigned petitioners, do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following public portion of Glenn Avenue within the City of Fort Wayne, Indiana, and hereby described as follows: That portion of Glenn Avenue, Extending from the East Right-of-Way of Eleanor Avenue, East to the West Right-of-Way to the North-South Alley. (Approx. 145').

In support thereof, your petitioners would represent as follows:

1. That they are the owners of the real estate abutting both sides of the Street.
2. That the Street is not necessary as ingress or egress to other properties whatsoever.
3. That said Street is unopened and unimproved.
4. That no other person, firm, or corporation is interested in or affected by the requested vacation.
5. That the maintenance of said Street is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.

Your petitioners file this petition pursuant to the authority granted in Indiana Code, Section 18-7-5-46, in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described Street be vacated according to the provisions of the Indiana Law pertaining there to.

DATED THIS 18th DAY OF April, 1978.

SIGNATURE

NAME: Robert G. Blum

ADDRESS: 437 Constance Ave.
Fort Wayne, Ind. 46805

PROPERTY: Third Highland Park Addition
North part of Lots #98 & 99.

SIGNATURE

NAME: Raymond Baumgartner

ADDRESS: 2201 Dresden Ave.
Fort Wayne Ind 46806

PROPERTY: Third Highland Park Addition
Lots # 97 and 96.

PETITION TO VACATE (That portion of Glenn Avenue, Extending from the East Right-of-Way of Eleanor Avenue, East ~~to~~^{To} the West Right-of-Way of the North-South Alley. (Approx. 145').

SIGNATURE: Mary R. Martin
 NAME: Mary R. Martin
 ADDRESS: 511 Constance Ave

PROPERTY: Third Highland Park Addition
Lot # 95.

SIGNATURE: Ralph A. Lautzenheiser
 NAME: RALPH A. LAUTZENHEISER
 ADDRESS: 1143 W. BRAUNING AVE.
FORT WORTH, TEX.
 PROPERTY: Third Highland Park Addition
Lots # 94, 93, & 92.

SIGNATURE: Joseph D. Cramer
 NAME: Joseph D. Cramer
 ADDRESS: 523 Constance Ave
 PROPERTY: Third Highland Park Addition
Lot # 91.

SIGNATURE: William C. Young
 NAME: WILLIAM C. YOUNG
 ADDRESS: 3520 Eleanor Ave
 PROPERTY: Third Highland Park Addition
Lot # 9. & 10

SIGNATURE: SCHROCK CONST. INC.
 NAME: Jack C. Schrock (Pres)
 ADDRESS: 2520 CARLTON CT. CITY
 PROPERTY: Third Highland Park Addition
Lot # 20.

SIGNATURE: _____
 NAME: _____
 ADDRESS: _____
 PROPERTY: _____

GRANT OF PERMANENT EASEMENT

THIS INDENTURE WITNESSETH, that WILLIAM A. YOUNG, NINA M. YOUNG, CHARLES N. BORDNER, MARCELLA M. BORDNER, JAMES A. EHRESMAN and ANNETTE EHRESMAN each over the age of 21 and hereinafter referred to as the "Grantors" in consideration of \$1.00 and other good and valuable considerations, receipt of which is hereby acknowledged by the Grantor, does hereby convey without warranty to the following named Grantee, and their respective successors and assigns, namely, to-wit: The CITY OF FORT WAYNE, a municipal corporation of the State of Indiana, a permanent easement with the right, privilege, and authority to the Grantee and their respective successors and assigns to use the same in common: to lay, install, construct, operate, maintain, repair, renew and replace mains and a line or lines of pipe, with all necessary and convenient services, pipes, lines connections, motors, and other equipment and appurtenances, for the transportation and distribution of water, sewage and/or other public utilities to the Grantee and to other persons, firms and corporations and to the public in general in, upon, along, over, under, through or across the real estate described below and being as follows:

The vacated Glenn Avenue extending from
the east right-of-way of Eleanor Avenue
to the west right-of-way of the North-
South alley east of Eleanor Avenue

The Grantor hereby reserves for itself, its successors and assigns, the right to use the above described real estate for all purposes which are not inconsistent with the above Grant of Easement. The Grantee will not be held responsible for and additional or future permanent fixtures, such as buildings signs, planters, trees or shrubs, constructed after the date of the signing of this Grant of Easement.

IN WITNESS WHEREOF, we set our hand this 5th day of Feb.
1949.

William A. Young
William A. Young

Nina M. Young
Nina A. Young

OWNERS: Lot 9, Third Highland Park Addition.

Charles N. Bordner
Charles N. Bordner

Marcella M. Bordner
Marcella M. Bordner

OWNERS: Lot 98 (excluding South 100') Lot 99 (excluding South 100') Third Highland Park Addition.

James A. Ehresman
James A. Ehresman

Annette C. Ehresman
Annette Ehresman

OWNERS: Lot 97 and Lot 96, Third Highland Park Add.

Grant of Permanent Easement

(Lot 9, 96, 97 Third Highland Park Add. Lot 99 (excluding South 100') Third Highland Park Addition. Lot 98 (excluding South 100') Third Highland Park Addition).

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ACKNOWLEDGEMENT

STATE OF Allen Indiana

COUNTY OF _____ SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 5th day of Feb 19 79, personally appeared the within named WILLIAM A. YOUNG, NINA M. YOUNG, CHARLES N. BORDNER, MARCELLA M. BORDNER, JAMES A. EHRESMAN and ANNETTE EHRESMAN, Grantors in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed, for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto set my name and affixed my official seal.

James Grant
Notary Public La Grange

My Commission Expires: 10-4-82

This instrument prepared by: Harvey M. Woodring

Grantor(s) certify under oath that no Indiana gross income tax is due or payable in respect to the transfer made by this deed.